

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute.—Industrial Dispute between the workmen and the management of Mysore Industrial and Testing Laboratory, Ltd., Malleswaram, Bangalore-3.

Award of the Additional Industrial Tribunal, Bangalore—published.

Read the following papers :—

Letter No. 1022—70—71, dated 21st/22nd December 1970 from Sri S. T. Kulkarni, Presiding Officer, Additional Industrial Tribunal, Bangalore.

**BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL,
BANGALORE**

Dated 21st of December 1970

Present :

Shri S. T. Kulkarni, B.A. (Hons.), LL.B., *Presiding Officer.*

A.I.D. Nos. 27—1968 and 9—1969 and 21—1969

Workmen of Mysore Industrial and Testing Laboratory, Ltd., represented by the Secretary, Industrial and Testing Laboratory Employees' Association, I.T.L. Buildings, Malleswaram, Bangalore-3 .. *I Party.*

vs

The Management of Mysore Industrial and Testing Laboratory, Ltd., Malleswaram, Bangalore-3 .. *II Party.*

Appearances

For the I Party :—

Sri S. Krishnaiah, Advocate, Bangalore.

For the II Party :—

Sri B. R. Puttananjappa, Hon. Secretary, Mysore State Employers' Association, Bangalore.

AWARD

By No. FCL 460 LLD 68, dated 17th July 1968, the Government of Mysore have referred an Industrial Dispute existing between the Workmen and the Management of Mysore Industrial and Testing Laboratory, Ltd., Malleswaram, Bangalore-3, to this Tribunal for adjudication under Section 10 (2) of the Industrial Disputes Act, 1947 on the following points of dispute :—

“ Are the workmen of the I.T.L. (Industrial and Testing Laboratory Limited), Bangalore, justified in making the following demands ?

If not, to what relief are they entitled ?

(1) All the daily rated employees should be made monthly rated.

(2) The workmen should be given the following pay scales; fixation weightage, etc., as noted below :—

(a) Unskilled, Watchmen, Attenders, Orderlies, etc.—
Rs. 65—6—95—10—145—15—220.

(b) Skilled workmen, Carpenters, Fitters, Wiremen, Operators, etc.—Rs. 85—8—125—12—185—17—270.

(c) Supervisors, Clerks, Drivers, Typists, etc.—Rs. 105—10—155—14—225—18—315.

(d) Fixation—All the workers shall be fixed in the new scales by multiplying the daily basic wages presently drawn by 26 days and fixing them at the appropriate stage of the new pay scales. Where such multiplied number falls in between two stages in the revised scales, the workers shall be fixed in the next higher stage.

(e) Operators Posts—Operators posts shall be sanctioned in all deserving cases which are long overdue and they should be given either special grade or additional increments.

(f) Additional increments shall be given to such of those who work as Assistants to the Fitters, Assistants

to Firemen and other deserving cases. The Boilermen with Boiler certificates shall be given additional increments and they shall be provided with protective wearings. Those who work on the bottle washing machines shall also be given additional increments.

- (g) All those employees who have put in one year of service shall be made permanent.
 - (h) Weightage—After the above fixation the workers shall be given the weightage of one increment for every three years of service or part thereof in the revised scales of pay with a minimum of two increments to all the workers.
 - (i) The extra allowance paid to Drivers, Lorry Drivers, Supervisors shall be Rs. 30, Rs. 20 and Rs. 30 respectively and the meals charges shall be Rs. 2 only.
 - (j) The revision of pay scales shall be given with retrospective effect from 1st January 1966.
 - (k) The D.A. shall be increased proportionately in accordance with the Rules as applicable to the Government Industrial concerns in the State and further a portion of D.A. shall be merged in the revised basic pay.
- (3) (a) The 11 (eleven) employees of the non-spirituous section (packing) shall be paid their wages for 7th June 1966.
- (b) Wages for the suspension period in the case of Shri Puttaswamy of the Box (Packing) Section from 22nd December 1965 to 26th December 1965 shall be paid.
- (c) Wages for the suspension period in the case of Sri D. S. Sam, should be paid.
- (d) Wages to the Malt Section Employees for 16th August 1965 shall be paid. Wages of Shri K. Narayana of Malt Section for 11th January 1967 shall be paid.
- (e) Wages for the Acetate Section Employees for 30th June 1965 and also to the employees of the Ampoules Section shall be paid.

(4) *Leave*.—All workers including the Watchmen, Supervisors and Clerical staff shall be given 30 days P.L. 7 days C.L. per year. Sick Leave of 7 days shall be continued and for the sick leave full benefits shall be given without deducting any benefit that is derived from the E.S.I. In addition to this the workers shall be granted furlough leave as per the Work Service Rules”.

2. By No. FCL 1074 LLD 63, dated 9th July 1969 the Government of Mysore have also referred another Industrial Dispute existing between the Workmen and the Management of Mysore Industrial and Testing Laboratory Ltd., Malleswaram, Bangalore-3, to this Tribunal for adjudication under Section 10(1) (d) of the Industrial Disputes Act, 1947 on the following points of Dispute :—

“Whether the workmen of the Mysore Industrial and Testing Laboratory Ltd., Bangalore-3 are justified in demanding amendment to existing Gratuity Rules of the Industrial Establishment as mentioned below or for any other appropriate amendment ?

Gratuity Scheme.—The Employees Gratuity Scheme (Rules) shall be amended as follows :

“On Voluntary retirement, or on resignation or on retrenchment or on termination of service of an employee with not less than 5 years of service shall be entitled to the benefit of gratuity of half a month's total wages (including D.A.) for every year of service calculated at the last wages drawn by the employee”.

3. By No. FCL 891 LLD 69, dated 6th October 1969 the Government of Mysore have also referred a third Industrial Dispute existing between the Workmen and the Management of Mysore Industrial and Testing Laboratory Ltd., Malleswaram, Bangalore-3 to this Tribunal for adjudication under Section 10(1) (d) of the Industrial Disputes Act, 1947 on the following points of dispute :—

“Whether the Workmen of the Mysore Industrial and Testing Laboratory Limited, Bangalore-3 are entitled for payment of profit sharing bonus at the rate of 20 per cent of their total emoluments as per the provi-

sions of the payment of Bonus Act, 1965 for the year ending 31st March 1968 or at any other rates ?”

4. The first of the three references mentioned above was numbered as A.I.D. No. 27—1968, and the other two references were numbered as A.I.D. No. 9—1969 and 21—1969 respectively on the file of this Tribunal, and notices were issued to both the parties and they were further proceeded with. The 1st Party in A.I.D. No. 27—1968 filed its Claim Statement on 31st August 1968, and the II Party filed its Counter Statement on 19th September 1968, and thereafter the 1st party filed its reply on 15th October 1968. As regards issues it was ordered on 23rd October 1968 that no issues arose apart from the points of dispute contained in the reference. Thereafter the case was adjourned for evidence from time to time, and 8 witnesses (WW-1 to WW-8) were examined for the 1st Party and the documents at Exts. W-1 to W-11 were got marked, while on behalf of the II Party 3 witnesses (MW-1 to MW-3) were examined and the documents at Ext. M-1 to M-37 were got marked, and arguments were also heard on behalf of both the parties and the case was reserved for Award.

5. In A.I.D. No. 9—1969 the 1st Party filed its Claim Statement on 23rd August 1969, and the II Party filed its Counter-statement on 16th September 1969, and thereafter the 1st Party filed its reply on 22nd October 1969. In view of the contentions of both the parties the following issue was raised on 12th November 1969 in addition to the points of dispute contained in the reference :—

“Whether the settlement of 15th December 1967 bars the present reference, for reducing the qualifying years ?”

6. After this issue was raised the case was adjourned from time to time for evidence.

7. In A.I.D. No. 21—1969 the I Party filed its claim statement on 24th January 1970, and the II Party filed its counter-statement on 11th February 1970, and thereafter no reply was filed by the I Party. On the date fixed for issues i.e., on 24th March 1970 it was ordered that no additional issue arose excepting the points of dispute contained in the

reference, and hence the case was adjourned for evidence from time to time.

8. On 11th December 1970, both the parties filed a settlement about all these cases in A.I.D. No. 27 of 1968, and they further filed a Memo therein to the effect that all the cases may be clubbed together and a joint Award may be passed regarding all these cases. Accordingly all these three cases were clubbed together. The terms of settlement were admitted by both the parties, and they further appear to be quite reasonable and proper and also in the interest of both the parties. So I see no objection to pass an Award in terms of the said settlement filed by both the parties regarding all the cases. Hence I pass the following Award :—

A W A R D

In view of the joint settlement filed by both the parties a common award is passed in terms thereof regarding A.I.D. Nos. 27—1968, 9—1969 and 21—1969, and the said settlement shall be treated as a part of this Award, and shall be Annexed to it. No orders as to costs.

S. T. KULKARNI,
Presiding Officer,
Additional Industrial Tribunal, Bangalore :